

Adjournment

Senator Hill moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 11:10 o'clock a. m., adjourned until 10:00 o'clock a. m. tomorrow.

TWENTY-THIRD DAY

(Thursday, February 16, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Moore.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalfe	Winfield
Moffett	

Absent—Excused

Martin Weinert

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Roberts and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Martin was granted leave of absence for today, on account of important business, on motion of Senator Isbell.

Senator Weinert was granted leave of absence for today, on account of the death of his father, at the request of the President Pro Tempore.

Reports of Standing Committees

The following reports were submitted by the Chairmen of the several committees to which were referred the bills named in the reports:

Austin, Texas,
February 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 75, A bill to be entitled "An Act to regulate Brokers who sell transportation or who make any contract, agreement, or arrangement to provide, procure, furnish, or arrange for transportation, furnish information relative to such transportation, or introduce parties; to require such Brokers to have a broker's license; defining certain terms; providing for the issuance, also the cancellation, of such license by the Railroad Commission of Texas; fixing the conditions under which such license may be issued; providing that the Railroad Commission may make reasonable rules and regulations applicable to all persons holding broker's license, providing for hearings; requiring a bond; providing for reviews of orders of the Commission; fixing a tax; providing penalties; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BROWNLEE, Chairman.

Austin, Texas,
February 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 311, A bill to be entitled "An Act making certain emergency appropriations for the General Land Office; and declaring an emergency."

Have had the same under consideration and I am instructed to report back to the Senate with recommendation that it do pass with Committee Amendments and be printed.

ROBERTS, Chairman.

Austin, Texas,
February 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations to whom was referred

H. B. No. 228, A bill to be entitled "An Act authorizing certain cities to fund by ordinance enacted by the governing body the whole or any part of any legal debt of said city, which debt is the difference between the wage paid or to be paid the firemen and the policemen, and the wages required to be paid the firemen and policemen by the terms of Senate Bill No. 89, passed and approved the 19th day of April, A. D. 1937, by the Forty-fifth Legislature of Texas, at the Regular Session, and which debt accrued or will have accrued before the 31st day of May, A. D. 1939, and to issue negotiable bonds with or without coupons, bearing interest at an annual rate as provided by the Charter of the City which issues the said obligations, to get money to pay said debts; providing that Articles 709 to 715 and Article 4398 of the Revised Statutes of Texas for 1925 shall apply to all bonds issued under this Act; providing that the provisions of this Act shall be cumulative of all laws on this subject, and wherever the provisions of this Act are in conflict with any existing law or laws on this subject, the provisions hereof, in so far as same are in conflict with any existing law or laws, shall govern and control; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HILL, Chairman.

Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Stone of Washington:

S. B. No. 198, A bill to be entitled "An Act repealing Chapter 8 of the Laws of the Forty-fourth Legislature, Regular Session, being Senate Bill No. 457, page 1172 of the General and Special Laws of the Forty-fourth Leg-

islature, Regular Session, and declaring an emergency."

Referred to Committee on Game and Fish.

By Senator Spears:

S. B. No. 199, A bill to be entitled "An Act amending Article 827 of the Penal Code of the State of Texas, Revised Criminal Statutes of 1925, by adding new provision five so as to include Junior College, College or University students; and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Graves:

S. B. No. 200, A bill to be entitled "An Act defining bedding to include mattresses, pillows, bolsters, feather beds, etc.; requiring the labelling of bedding as to whether new or second-hand materials are used; prohibiting the use of materials from dump-grounds, junk yards and hospitals; requiring the germicidal treatment of second-hand materials; authorizing the State Board of Health with enforcement; requiring permits for manufacture, repair or renovation and application of germicidal process; the payment of fees for permits; providing for the issuance of adhesive stamps and registration for selling bedding; providing that proceeds be placed in special Bedding Sanitation Fund for use in administration of Act; providing a penalty; requiring bedding manufacturers or renovators to keep premises sanitary; excepting all bedding manufactured, repaired, renovated and/or sold prior to effective date; providing that if any part of this Act shall be declared unconstitutional, it shall not affect any other part thereof, and declaring an emergency."

Referred to Committee on Public Health.

By Senator Graves:

S. B. No. 201, A bill to be entitled "An Act authorizing the transfer of causes from the County Criminal Court of Dallas County, Texas, to the County Courts at Law of Dallas County, Texas; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

Message from the Governor

The President Pro Tempore laid before the Senate the following message from the Governor, which was read and referred to the Committee on Nominations of the Governor:

Austin, Texas,
February 15, 1939.

To the Senate of the Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be Chairman of the Highway Commission (Term beginning February 15, 1939):

J. C. Hunter of Abilene, Taylor County.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

Appointments Announced

Pursuant to H. C. R. No. 12, the President Pro Tempore announced the appointment of Senators Metcalfe, Aikin and Lanning as a committee to select a poet laureate.

Senate Concurrent Resolution 7

Senator Pace offered the following resolution:

Whereas, At the Second Called Session of the Forty-fifth Legislature, Senate Concurrent Resolution No. 12, authorizing and instructing the Governor of Texas to appoint a Commission of forty-five members, to be known as "The New York World's Fair and San Francisco Golden Gate Exposition Commission for Texas," to arrange exhibits for the State of Texas at said world's fairs, was adopted; and,

Whereas, Said Senate Concurrent Resolution further provided that said Commission be incorporated as a non-profit corporation under the laws of the State of Texas, and have authority to accept gifts, grants and donations of money or property for financing such representation; and,

Whereas, Said Commission has been incorporated as a non-profit corporation under the laws of the State of Texas designated as the New York World Fair and San Francisco Golden Gate Exposition Commission for Texas; and

Whereas, Public sentiment of the State of Texas, as reflected by the large number of newspaper comments and civic endorsements, appears to favor the participation of Texas in said fairs; and

Whereas, On February 13, 1939, Governor O'Daniel and Lieutenant Governor Coke Stevenson held a meeting in Austin of representatives of oil, sulphur, insurance, utilities, banking and business groups for the purpose of financing such participation in accordance with the provisions of said Senate Concurrent Resolution No. 12, at which meeting a number of important donations were made by public spirited firms and individuals toward this patriotic undertaking, and

Whereas, The Forty-sixth Legislature regards this means of advertising the State as a worthwhile movement, which should receive the wholehearted cooperation and support of all Texas industry, business, civic and educational institutions, as well as the assistance of every loyal Texan; now, therefore, be it

Resolved, That the Forty-sixth Legislature in Regular Session heartily endorse the efforts of the New York World's Fair and San Francisco Golden Gate Exposition Commission for Texas in arranging creditable representation for our great State at said world's fairs, and earnestly offer its cooperation and support in all practical ways to see that the purposes for which the Commission was created and incorporated are successfully carried out.

The resolution was read.

On motion of Senator Pace, and by unanimous consent, the resolution was considered at this time and was adopted.

Message from the House

A Clerk from the House was announced by the Doorkeeper, and was recognized by the President Pro Tempore to present the following message:

Hall of the House of Representatives,
Austin, Texas, February 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions and bill:

H. C. R. No. 40, Naming a committee of seven (7) members who shall appoint and designate some outstanding and recognized poet who is a citizen of Texas, who shall be poet laureate of the State of Texas for a period of two (2) years.

H. C. R. No. 32, Providing for a committee to investigate the Prison System.

H. B. No. 123, A bill to be entitled "An Act to authorize all independent school districts in certain counties to pay present outstanding legal indebtedness of the said school districts by refunding warrants to bear interest of not more than 6% per annum, and to be payable out of a portion of the local maintenance taxes, and declaring an emergency."

H. C. R. No. 37, Resolving that the Board of Control and the Director of the Texas Old Age Assistance Commission so instruct their agents that in the future they shall understand and interpret said Act, and the Legislative intent thereof to mean that in interpreting said Act it was the intent when said Act was written and is now the intent of said Act, that need shall not be determined on any other basis than the status of such applicant, and shall not be based upon the status of child, children, relatives, or charity.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Bills Signed

The President Pro Tempore signed in the presence of the Senate, after their captions had been read severally, the following enrolled bills:

H. B. No. 212, "An Act creating a Special Road Law for Hamilton County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of the 1st day of January, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County and the officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding

or refunding bonds not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict and declaring an emergency."

H. B. No. 301, "An Act prohibiting the taking of fur-bearing animals in Shelby County; providing a suitable penalty for violation of this Act, and declaring an emergency."

H. B. No. 432, "An Act to amend Section 1 of Article 952 of the Penal Code relating to taking of minnows by adding thereto Wilson County, and declaring an emergency."

H. B. No. 134, "An Act prohibiting the setting of any steel trap, snare, or deadfall in Panola County for the purpose of taking any fur-bearing animals for a period of two (2) years; providing certain exceptions; repealing all laws in so far as they conflict with this Act; providing a penalty for violation of this Act, and declaring an emergency."

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, February 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. B. No. 53, A bill to be entitled "An Act amending S. B. 29, Chapter 13, Acts Fourth Called Session, Forty-first Legislature, so as to eliminate certain conflicts relative to the term of leases on prison lands; confirming and validating certain leases under certain circumstances and conditions; and declaring an emergency."

S. B. No. 105, A bill to be entitled "An Act forbidding suits on commissions for sale or purchase of real estate, oil and/or gas mining leases, oil and/or gas royalties, minerals or mineral interests, unless the promise or agreement on which such suit is brought is in writing and signed by the person sought to be charged therewith; and providing that this Act shall not apply to any such action pending in any court in this

State at the effective date of this Act; and declaring an emergency."

S. C. R. No. 5, Resolving that the Senate and House of Representatives adjourn or recess on March 1st until March 3, 1939, and that both houses join with the American Legion and other patriotic organizations in the exercises on March 2, 1939 at old Washington-on-the-Brazos.

H. C. R. No. 38, Requesting the Governor to return House Bill No. 378 to the House of Representatives for further consideration.

Respectfully submitted,
E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Concurrent Resolution 38

The President Pro Tempore laid before the Senate:

H. C. R. No. 38, Recalling H. B. No. 378 from the Governor.

The resolution was read; and by unanimous consent, it was considered at this time and was adopted.

Report of Conference Committee on House Bill 150

Senator Nelson submitted the following report of the conference committee on H. B. No. 150:

Austin, Texas,
February 15, 1939.

Hon. Coke R. Stevenson, Lieutenant Governor of Texas, and

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the House and the Senate on House Bill No. 150 have met and beg leave to recommend that said House Bill No. 150 be passed in the form hereto attached.

Respectfully submitted,

NELSON,
ROBERTS,
METCALFE,
LANNING,
SPEARS,

On the part of the Senate.

HANKAMER,
LONDON,
HARRIS,
SMITH of
Matagorda,

On the part of the House.

H. B. No. 150, A bill to be entitled "An Act making an emergency appropriation out of any money in the State Treasury not otherwise appropriated for the operation, support and maintenance, including salaries of the officers and employees, of the Big Spring State Hospital, Big Spring, Texas, until September 1, 1939; for equipment and installation of same in the seven (7) buildings and the power plant of said hospital; for the construction of a laundry and mattress factory and equipment therefor; for miscellaneous equipment and ground and other improvements for said hospital; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated for the operation, support, and maintenance, including salaries of the officers and employees, of the Big Spring State Hospital, Big Spring, Texas, until September 1, 1939; for equipment and installation of same in the seven (7) buildings and the power plant of said Hospital; for the construction of a laundry and mattress factory and equipment therefor; and for miscellaneous equipment and ground and other improvements in completing said hospital:

Salaries to September 1, 1939	\$ 24,861.34
(Compensation shall in no instance exceed that paid for similar services at the other State hospitals for the insane.)	
Support, maintenance and individual treatment fund, dishes, cutlery, small hardware, and other initial supplies . . .	44,893.60
Pickup truck	750.00
Pumps, tank, pipe, and fittings to complete heating plant	800.00
Furniture and general equipment for seven buildings: including mattresses, pillows, linens, blankets, other furnishings, and office machines	49,309.00
X-ray, sterilizer, prescription room, surgery and laboratory equipment, installed	8,434.50

Refrigeration equipment, installed	6,000.00
Large equipment for three kitchens; sewing machines, electric lamps, and radios	7,668.00
Miscellaneous and small equipment for store-room, powerhouse, and other buildings and grounds, including shelving and tools	5,000.00
Laundry, equipment, and concrete tunnel with utility connections	33,700.00
Sidewalks	1,000.00
Street lights, installed . .	1,000.00
Mattress factory and equipment	7,000.00
Water tank and tower, installed	8,750.00
Hogs and hog pens	750.00

Total Big Spring State Hospital \$199,916.44

Sec. 2. The fact that the newly established Big Spring State Hospital, Big Spring, Texas, being completed this month, heretofore received no appropriations for its operation, support, and maintenance and an insufficient amount for completion of several small utility buildings and for equipping said hospital, and the further fact that said hospital should be opened immediately to permit removal of insane patients from jails and lessen the overcrowded conditions in other State mental hospitals, create an emergency and an imperative public necessity demanding that the constitutional rule which requires all bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and said Act shall be in force and take effect from and after its passage, and it is so enacted.

Question — Shall the report be adopted?

The report was adopted by the following vote:

Yeas—29

Aikin	Head
Beck	Hill
Brownlee	Isbell
Burns	Kelley
Collie	Lanning
Cotten	Lemens
Graves	Metcalf
Hardin	Moffett

Moore	Stone
Nelson	of Galveston
Pace	Stone
Redditt	of Washington
Roberts	Sulak
Shivers	Van Zandt
Small	Winfield
Spears	

Absent—Excused

Martin Weinert

Bill and Resolution Signed

The President Pro Tempore signed in the presence of the Senate, after its caption had been read, the following enrolled bill and resolution:

S. B. No. 53, A bill to be entitled "An Act amending S. B. 29, Chapter 13, Acts Fourth Called Session, Forty-first Legislature, so as to eliminate certain conflicts relative to the term of leases on prison lands; confirming and validating certain leases under certain circumstances and conditions; and declaring an emergency."

H. C. R. No. 38, Recalling H. B. No. 378 from the Governor.

House Concurrent Resolutions

The following concurrent resolutions, received from the House today, were laid before the Senate, read severally, and referred to the committees indicated:

H. C. R. No. 32, Providing for a legislative committee to investigate the Prison System.

Referred to Committee on Penitentiaries.

H. C. R. No. 40, Naming a committee to select a poet laureate of the State.

Referred to Committee on Education.

H. C. R. No. 37, Relative to construing the law providing for old age assistance.

Referred to Committee on State Affairs.

House Bill on First Reading

H. B. No. 123, received from the House today, was laid before the Senate, read first time, and referred to the Committee on Education.

Adjournment

Senator Collie moved that the Senate adjourn until 10:00 o'clock a. m. next Monday, February 20, 1939.

The motion prevailed; and the Senate, accordingly, at 12:40 o'clock a. m., adjourned until 10:00 o'clock a. m. Monday, February 20, 1939.

APPENDIX**Report of Committee on Engrossed Bills**

Austin, Texas,
February 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bills Nos. 39, 109, 156, 159, 161, 175 and 43 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Report of Committee on Enrolled Bills

Austin, Texas,
February 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 53 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

In Memory of
Hon. F. C. Weinert

(Senate Resolution 25)

Senator Redditt offered the following resolution:

Whereas, The Supreme Ruler of the Universe has called from his labors to rest Honorable F. C. Weinert, of Seguin, Texas, father of Senator R. A. Weinert; and

Whereas, In the passing of F. C. Weinert, the State of Texas has lost one of its fine citizens who contributed much to the welfare of his community and the State and Nation; and

Whereas, During his lifetime, F. C. Weinert gave much of his time in the service of the State, serving with great distinction as a member of the Legislature of the State of Texas; and

Whereas, The deep and sincere affection which the Senate of Texas has for him and his distinguished son, Senator R. A. Weinert, leads his associates in the Senate to join with him and the members of his family in the inexpressible sorrow which is his in the passing of his beloved father; be it therefore

Resolved, By the Senate of Texas that we express to Senator Weinert and the members of his family our deep and heartfelt sympathy and consolation; and be it further

Resolved, That the Lieutenant Governor appoint a committee to attend the funeral services of our deceased friend and that appropriate floral offerings be sent and that the Senate of Texas, when it adjourns today, do so in honor and in memory of F. C. Weinert.

MOORE.

(Signed) Coke R. Stevenson, Lieutenant Governor; Aikin, Beck, Brownlee, Burns, Collie, Cotten, Graves, Hardin, Head, Hill, Isbell, Kelley, Lanning, Lemens, Martin, Metcalfe, Moffett, Moore, Nelson, Pace, Redditt, Roberts, Shivers, Small, Spears, Stone of Galveston, Stone of Washington, Sulak, Van Zandt, Winfield.

The resolution was read.

On motion of Senator Metcalfe, the names of all Senators and the Lieutenant Governor were added to the resolution as signers thereof.

The resolution was adopted unanimously by a rising vote.

In accordance with the provisions of the resolution, the President Pro Tempore announced the appointment of the following committee to attend the funeral services of Hon. F. C. Weinert: Senators Roberts, Collie, Cotten, Graves, Lemens, Moffett, Moore, Redditt, Shivers, Small, Spears, Stone of Washington, Stone of Galveston, Sulak and Winfield.